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SERVICE DATE - JANUARY 22, 2004

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-55 (Sub-No. 635X)

CSX TRANSPORTATION, INC.–ABANDONMENT EXEMPTION–
IN GRATIOT COUNTY, MI

Decided: January 20, 2004

CSX Transportation, Inc. (CSXT) and Mid-Michigan Railroad, Inc. (MMR) filed a notice of exemption under 49 CFR 1152 Subpart F–Exempt Abandonments and Discontinuances of Service for CSXT to abandon and MMR to discontinue service over approximately 5.5 miles of railroad from milepost CBE-40.00 at Alma, to milepost CBE-45.5 at Elwell, in Gratiot County, MI. Notice of the exemption was served and published in the Federal Register (68 FR 38420) on June 27, 2003.¹

By decision and notice of interim trail use or abandonment (NITU) served July 29, 2003, the proceeding was reopened, and the Friends of Fred Meijer Heartland Trail (Heartland Trail) was authorized to negotiate an interim trail use/rail banking agreement with CSXT for the entire line pursuant to the National Trails System Act, 16 U.S.C. 1247(d) (Trails Act). The trail use negotiating period is scheduled to expire on January 25, 2004.²

On January 12, 2004, CSXT filed a request for a 180-day extension of the trail use negotiating period until July 23, 2004.

¹ The notice served June 27, 2003, embraced STB Docket No. AB-364 (Sub-No. 9X), Mid-Michigan Railroad, Inc.–Discontinuance of Service Exemption–in Gratiot County, MI.

² The July 29 decision also imposed a public use condition, which will expire on January 25, 2004, and three environmental conditions, consisting of: (1) a National Geodetic Survey (NGS) condition; (2) a State of Michigan Department of Environmental Quality (MIDEQ) condition; and (3) a historic preservation condition. The historic preservation condition was removed by decision served October 28, 2003. The October 28 decision also noted that the NGS and MIDEQ conditions imposed in the July 29 decision remain in effect.

Where, as here, the carrier is willing to continue trail use negotiations, the negotiating period may be extended.³ Under the circumstances, an extension of the negotiation period is warranted and will promote trail use and rail banking consistent with the Trails Act. Accordingly, the negotiation period will be extended to July 23, 2004.

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The request to extend the negotiating period is granted.
2. The negotiating period under the NITU is extended to July 23, 2004.
3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary

³ See Rail Abandonments—Supplemental Trails Act Procedures, 4 I.C.C.2d 152, 157-58 (1987).